

Billing Ethics Survey for Attorneys

1. What year did you graduate from law school?

#	Response
2	1955
2	1960
2	1961
1	1962
1	1964
1	1967
2	1968
2	1969
2	1970
2	1971
7	1972
3	1973
9	1974
6	1975
8	1976
6	1977
6	1978
9	1979
10	1980
7	1981
7	1982
5	1983
6	1984
5	1985
6	1986
4	1987
7	1988
7	1989
10	1990
2	1991
4	1992
3	1993
3	1994

8 1995
8 1996
6 1997
10 1998
7 1999
10 2000
8 2001
2 2002
7 2003
10 2004
5 2005
1 92

2. What are your principal areas of practice?

#	Response
1	administrative, regulatory
1	Admiralty
1	Antitrust, Intellectual Property
1	Appellate
1	aviation law; med mal
1	banking, commercial litiagation
2	bankruptcy
1	bankruptcy, real estate, agricultural law
1	business and tax
2	business litigation
1	Business Litigation and Eminent Domain
1	Civil Defense Litigation
1	civil law
23	civil litigation
1	civil litigation
1	civil litigation - med mal defense
1	civil litigation and appeals, real estate, oil and gas, wills and probate






















1 Civil litigation, criminal defense
1 civil litigation, family law, personal injury, insurance defense, criminal defense
1 civil litigation/transaction
1 civil litigation
1 civil trial
1 civil trial and appellate
1 Civil Trial and Real Estate
1 civil, and business law
1 civil/corporate
1 collection, civil litigation
1 commercial and business
3 Commercial Law
8 commercial litigation
1 Commercial Litigation and Bankruptcy
2 Commercial real estate
2 Commercial Transactions
1 Commercial, Local government, Litigation
1 Commercial/business trial practice
1 Commerical litigation, Real Estate litigation
1 Complex Civil Litigation, Business and Real Estate Transactions
1 constitutional law
1 Construction
1 construction law
1 Construction Law, Public Contract Law
3 construction litigation
1 construction litigation, public entities, water rights
1 Construction, Corporate, Litigation
1 construction/litigation
2 Corporate
1 corporate & estate planing
1 corporate and commercial
1 corporate litigation and counseling
1 Corporate, real estate
1 Coverage
1 creditor's rights, commercial law, real estate, contracts
1 Creditor's Rights, Construction
1 creditors rights
1 creditors' rights, commercial litigation
1 criminal
2 criminal defense
1 Criminal Defense, Real Estate, Civil Litigation

- 1 Criminal Defense/Family/Employment
- 1 Criminal Law
- 1 Defense Litigation
- 1 defense litigation, med mal, products liability, insurance
- 1 domestic juvenile
- 1 Domestic Relations
- 1 domestic, business, municipal, dui
- 2 employment law
- 1 employment litigation, commercial litigation, securities litigation
- 1 employment, civil rights, municipal
- 1 ERISA
- 1 estate litigation
- 2 Estate Planning
- 1 Estates & Trusts
- 2 Family
- 1 family and personal injury-real estate
- 1 Family and Prosecution
- 4 Family Law
- 1 Family Law, Appeals
- 1 family, criminal
- 1 Family/Juvenile Law
- 1 Family/Matrimonial
- 1 family; entertainment; civil lit.
- 1 Gen Civil Litigation
- 1 general
- 1 General Practice, real estate, wills & estates, business, litigation, land use planning
- 1 health, corporate
- 1 insurance
- 2 Insurance Coverage
- 1 Insurance coverage; liability defense
- 12 Insurance defense
- 1 Insurance Defense, workers compensation, maritime personal injuries
- 1 insurance defense/ personal injury defense
- 1 Insurance litigation
- 1 Insurance, Securities, Employment
- 3 intellectual property
- 1 labor and employment
- 1 labor and employment
- 1 Labor and Employment; Family Law
- 26 litigation
- 2 litigation

- 1 Litigation - personal Injury
- 1 Litigation and Bankruptcy
- 1 Litigation and family law
- 1 Litigation defense
- 1 litigation, construction, administrative
- 1 litigation, dispute resolution, construction, arbitration
- 1 litigation, employment, products liability
- 1 litigation, general counsel
- 1 Litigation, Real Estate, Construction
- 1 Litigation/environmental/natural resource/ banking/bankruptcy
- 1 Litigation/general
- 1 litigation/municipal
- 1 local government
- 1 Malpractice Defense, Construction
- 1 Maritime, Insurance coverage and defense, general litigation
- 1 Maritime, transportation, aviation
- 1 Mass torts
- 1 Mediation and arbitration; formerly medical malpractice for plaintiffs and before that for the defense
- 1 Medical Liability Defense
- 1 medical malpractice defense
- 1 medical malpractice/products liability defense
- 1 Patent law
- 7 personal injury
- 1 personal injury defense
- 1 personal injury litigation
- 1 Personal Injury/medical malpractice
- 1 PI, Bus, domestic
- 1 plaintiff's tort law
- 1 probat/estateplanning/elder law
- 1 Probate, Trust, Estates, Taxation
- 1 Products Liability
- 1 Products liability and environmental litigation
- 1 public utility law
- 2 Real estate
- 1 real estate & probate
- 1 real estate and criminal
- 1 Real Estate and Probate
- 1 real estate litigation
- 1 Real estate, business and estate planning
- 1 real estate, business, hurricane claims






- 1 real estate, insurance defense, homeowner associations
- 1 Real estate, Municipal
- 1 real estate, Wills, Estates Trusts
- 1 real property
- 1 Real Property Litigation
- 1 Residential Real Estate
- 1 Securities Litigation; Antitrust; Class Action
- 1 small business, contracts, real estate
- 1 Tax, Real Estate, Business Entities and Contracts
- 1 tax/estate planning
- 1 Taxation
- 1 Telecommunications, Government Procurement
- 1 transactional
- 1 Trial Criminal Family & Business
- 1 Trial Practice; insurance; corporate
- 1 Trust & Estate
- 1 Water, Real Estate
- 1 workers comp and insurance defense

3. What is your present position in your firm?

partner	 58.6%	(147)
associate	 27.1%	(68)
Other: Contract	 0.4%	(1)
Other: counsel	 0.4%	(1)
Other: of counsel	 2.8%	(7)
Other: Of Counsel	 1.6%	(4)
Other: Of Counsel	 0.4%	(1)
Other: officer	 0.4%	(1)
Other: owner	 1.6%	(4)
Other: owner/principle	 0.4%	(1)
Other: owner/solo practice	 0.4%	(1)
Other: President, Sole Practitioner	 0.4%	(1)
Other: Principal	 0.4%	(1)
Other: principal	 0.4%	(1)
Other: senior associate	 0.4%	(1)
Other: Senior Counsel	 0.4%	(1)
Other: sole practioner	 0.4%	(1)
Other: sole practitioner	 0.8%	(2)
Other: Sole Practitioner	 0.4%	(1)
Other: Sole practitioner	 0.4%	(1)
Other: Staff	 0.4%	(1)

TOTAL		251
	98.4%	

4. Approximately how many attorneys are employed by the local office of your firm?

1	 7.2%	(18)
2-5	 36.3%	(91)
6-10	 27.9%	(70)
11-25	 26.7%	(67)
26-49	 0.4%	(1)
50-99		(0)
100-199		(0)
200 or more		(0)

TOTAL		251
	98.4%	

5. Is time-based (i.e., "hourly") billing the principal form of billing in your firm?

Yes	 82.1%	(206)
No	 15.9%	(40)

TOTAL		251
	98.0%	

6. If you answered "No" in the previous question, please specify what form of billing your firm uses.

#	Response
1	a combination of billing depending on the cases. most cases are hourly, but some are flat fee for insurance defense and others are contingent from our plaintiffs section of the firm
1	Also do contingency and flat fees e.g. probate statutory fees.
1	Both hourly and contingency
1	contingency
2	contingency fee
1	contingency fee cases
1	contingency/flat/court awards
2	contingent
1	contingent and creative methods (flat fee plus percentage, for ex)
1	Contingent and hourly
8	contingent fee
1	contingent fee
1	Contingent fee and flat fee
1	contingent fee collections
1	Contingent Fee Contracts
1	contingent fees
1	contingent percentage
1	Contingent, fixed fee, and hourly
1	fixed fee

- 1 Fixed Fee for Estate Plans
 - 1 flat fee
 - 1 flat fee and contingent fee
 - 1 flat fee or contingent
 - 1 flat fee/statutory
 - 1 Flat rates and asset based rates
 - 1 hourly and flat fee
 - 1 mix of hourly, contingency, flat fee
 - 1 mixed-time, contingency and matter based
 - 1 n/a
 - 1 non-refundable flat fee
 - 1 Post Settlement - Contingent
 - 1 Some clients hourly, some cases fixed fee and others contingent
 - 1 Some hourly, some flat fee, and some contingency
 - 1 We do a small amount of contingent fee work. We keep track of time on such matters
-

Approximately how many hours did you record for billing in:

7. 2005

#	Response
1	1,000
1	1,432
1	1,800
1	1,930.4
2	100
5	1000
1	1050
1	1100
1	1121
7	1200
1	1200 approx
1	1200-Low due to Hurricane Katrina evacuation
1	1270
5	1300
2	1350
6	1400
1	1440
1	1443
3	1450
1	1490
1	15
1	150

23 1500
1 1550
1 1557
14 1600
12 1700
1 1740
1 1750
16 1800
5 1850
1 1893
11 1900
1 1903
1 1930
5 1950
2 1975
1 1980
3 2,000
1 2,200
1 2,206
1 20
1 200
13 2000
1 2000-2100
1 2050
4 2100
6 2200
1 2277
1 2281
3 2300
2 2400
1 2450
2 2500
1 2580
2 2750
1 3,700
1 300-400
1 350
1 3600
1 400
1 4000
1 50

- 5 500
- 1 60
- 3 600
- 1 635.15
- 1 750
- 1 80
- 1 80-100
- 3 800
- 1 900
- 1 ?
- 1 approximately 2400
- 1 do not know
- 1 do not recall
- 1 do not record hours
- 1 don't keep track
- 1 In school
- 1 maybe 200
- 3 n/a
- 1 No idea
- 1 not applicable
- 1 uncertain
- 1 unk
- 3 unknown
- 1 Unknown - kept on a case by case basis with no central tracking

8. 2004

#	Response
1	1,000
1	1,464
1	1,800
1	1,868
1	10
5	1000
3	1100
1	1150
8	1200
1	1200 approx
1	1210
1	1250
1	1275
1	1280
1	1300

2	1350
7	1400
2	150
23	1500
1	1520
2	1550
17	1600
1	1650
1	1680
2	1750
20	1800
1	1800-2000
3	1850
1	1875
1	1890
7	1900
1	1915
1	1935
4	1950
1	1970
3	2,000
1	2,186
1	2,300
1	200
17	2000
1	204
4	2100
1	2131
7	2200
1	2210
1	2211
2	2300
1	2350
2	2400
1	25
1	250
1	250-300
2	2500
1	2750
1	3,600
1	3800

2	400
1	4300
4	500
1	500 (ill)
1	600
1	650
1	700
1	750
1	750 - half year
3	800
1	805
1	?
1	approximately 2400
1	do not know
1	do not recall
1	don't keep track
1	In School
9	n/a
1	n/a was in house
1	no idea
1	not applicable
1	not at a firm
2	same
1	uncertain
1	unk
3	unknown
1	Unknown - Different Firm
1	unknown, records at another firm

9. 2003

#	Response
1	1,000
1	1,542
1	1,800
5	1000
4	1100
9	1200
1	1200 approx
1	1250
1	1260
2	1300
1	1330

5	1400
2	1450
1	150
21	1500
1	1560
14	1600
1	1650
4	1700
2	1750
1	1760
1	1770
20	1800
1	1800-2000
1	1820
3	1850
1	1890
10	1900
3	1950
1	1980
3	2,000
1	2,100
1	2,300
1	2,400
1	2,614
1	20
1	200
10	2000
1	2025
1	2036.0
1	2050
3	2100
6	2200
1	2205
2	2250
1	2300
5	2400
1	250-300
2	2500
1	2580
1	2750
1	3,600

1	3700
2	400
1	450
1	4500
3	500
1	550
1	700
1	800
1	950
1	?
1	approximately 2400
1	do not know
1	do not recall
1	In School
16	n/a
1	no idea
1	None...Government
1	not applicable
2	same
1	uncertain
2	unk
4	unknown
1	Unknown - Different Firm
1	unknown, records at another firm





10. 2002

#	Response
1	1,000
1	1,836
1	1,900
1	100
4	1000
3	1100
7	1200
1	1200 approx
1	1240
1	1280
2	1300
7	1400
1	1450
1	150
23	1500






1	1500 +/- different law firm
1	1530
1	1550
1	1560
10	1600
1	1650
4	1700
1	1750
19	1800
1	1800-2000
1	1810
2	1850
5	1900
2	1950
3	2,000
1	2,160
2	2,200
1	2,271.8
1	2,300
1	20
1	200
19	2000
1	2050
1	2055
1	2065
1	2078
1	2093
4	2100
3	2200
2	2250
3	2400
1	250-300
1	2500
1	2550
1	2600
1	3,600
1	300
1	3700
1	400
1	450
1	4500

2	500
1	550
1	900
3	?
1	approximately 2400
1	do not know
1	do not recall
1	employed by court n/a
1	In School
16	n/a
1	no idea
1	non billed clerkship
1	None....Government attorney
1	not applicable
1	same
1	uncertain
2	unk
5	unknown
1	Unknown - Different Firm
1	unknown, records at another firm


11. What effect, if any, do you believe that time-based billing has on the quality of legal work, as opposed to other forms of billing?








tends to improve the quality	 22.7%	(57)
has no impact	 55.4%	(139)
tends to diminish the quality	 21.1%	(53)
TOTAL	 99.2%	251

12. To what extent has the prospect of billing additional hours influenced your decisions to proceed with work that you otherwise would not have performed?






never	 44.2%	(111)
rarely	 33.9%	(85)
a moderate amount	 16.3%	(41)
frequently	 4.4%	(11)
TOTAL	 98.8%	251

13. To the best of your knowledge, approximately what percentage of time billed by attorneys in the United States who bill on a time basis consists of “padding” for work not actually performed?









0-1%	 12.0%	(30)
1-2%	 5.6%	(14)
2-5%	 14.7%	(37)

5-10%	 17.9%	(45)
10-15%	 14.7%	(37)
15-25%	 10.0%	(25)
25-35%	 6.4%	(16)
35-50%	 1.6%	(4)
more than 50%	 4.4%	(11)
TOTAL	 87.3%	251






14. Do you have specific knowledge of instances of the type of conduct to which the previous question refers?

know none	 37.5%	(94)
know a small number	 43.0%	(108)
know a moderate number	 9.2%	(23)
know many	 7.6%	(19)
TOTAL	 97.2%	251





15. By what amount do you believe that attorneys would change the amount of time spent on their work if they used a form of billing other than time-based billing?

time would increase	 10.8%	(27)
time would not change	 31.9%	(80)
time would decrease by less than 2%	 6.8%	(17)
time would decrease by 2-5%	 6.0%	(15)
time would decrease by 5-10%	 17.1%	(43)
time would decrease by 10-25%	 15.9%	(40)
time would decrease by more than 25%	 6.4%	(16)
TOTAL	 94.8%	251






16. Have you ever billed two clients for work performed at the same time (e.g., billed one client for drafting a document while traveling for another client)?

never	 64.1%	(161)
rarely	 25.1%	(63)
a moderate number of times	 8.4%	(21)
often	 1.2%	(3)
TOTAL	 98.8%	251






17. In your opinion, is the billing practice described in the preceding question an ethical practice?

no	 51.8%	(130)
yes, if the client is informed of the practice	 23.9%	(60)
yes, even if the client is not informed of the practice	 22.7%	(57)
TOTAL	 98.4%	251





18. Have you ever billed a client for unaltered work (e.g., research or drafting) that originally was undertaken for another client and has been “re-cycled” for the second client?

never		64.5%	(162)
rarely		25.9%	(65)
a moderate number of times		7.2%	(18)
often		0.8%	(2)
TOTAL		98.4%	251











19. In your opinion, is the billing practice described in the preceding question an ethical practice?

never		31.9%	(80)
yes, if a measure other than time is used in billing the second client		45.8%	(115)
yes, even if the second client is billed on the basis of time, if the second client is informed that the work is “re-cycled”		8.8%	(22)
yes, even if the second client is billed on the basis of time and is not informed that the work is “re-cycled”		12.0%	(30)
TOTAL		98.4%	251

20. Are you familiar with the ABA’s opinion on the ethics of time-based billing (Formal Opinion 93-379: Billing for Professional Fees, Disbursements and Other Expenses, Dec. 6, 1993)?




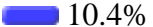
have read it		18.3%	(46)
have heard about it, but not read it		29.5%	(74)
have not heard about it		50.6%	(127)
TOTAL		98.4%	251




21. If you are familiar with the ABA’s opinion on the ethics of billing, has the ABA’s opinion influenced your billing practices? [You may check more than one response.]

has influenced me		12.7%	(32)
has made me less inclined to charge more than one client for work that is performed during the same time period		2.4%	(6)
has made me less inclined to charge a client for work that is “re-cycled”		1.2%	(3)
has encouraged me to maintain more detailed bills		13.1%	(33)
Other: altered billing for in-house copying, fax and telephone service		0.4%	(1)
Other: As an associate, my billing practices are determined by my firm.		0.4%	(1)
Other: clients are billed for actual time spent		0.4%	(1)
Other: Confirmed my usual practice as proper/ethical		0.4%	(1)
Other: confirmed what I already thought		0.4%	(1)
Other: do not know		0.4%	(1)





Other: has made me discuss billing procedures in greater detail with clients so we all understand the billing practices I will use	0.4%	(1)
Other: has not influenced me	0.4%	(1)
Other: has not influenced me - would not have double billed anyway	0.4%	(1)
Other: has not influenced me. Don't use hourly billing.	0.4%	(1)
Other: has not influenced my billing practices	0.4%	(1)
Other: has reinforced my opinion that time-based billing is inappropriate	0.4%	(1)
Other: have not heard of it	0.4%	(1)
Other: helped regarding in house costs	0.4%	(1)
Other: Honor is honor, period , dot, next.	0.4%	(1)
Other: I am familiar with the Rules of Professional Conduct in the state that I practice, not the ABA rules or opinions	0.4%	(1)
Other: I couldn't care less what the ABA has to say	0.4%	(1)
Other: I have always detested the billable hour and feel it is counterproductive. Many lawyers see their job as "billing" rather than performing legal tasks for clients.	0.4%	(1)
Other: I'm not familiar with it	0.4%	(1)
Other: it is wrong in terms of billing one client while travelling for another as long as disclosure and both benefit (i.e., reduced bill on the travel and reduced for the work performed so that perhaps more like 1.5x billing, not double. Everyone wins.	0.4%	(1)
Other: n/a	1.2%	(3)
Other: n0 influence	0.4%	(1)
Other: no	1.2%	(3)
Other: no effect	0.8%	(2)
Other: no impact	0.4%	(1)
Other: No impact	0.4%	(1)
Other: no influence	0.8%	(2)
Other: No influence	0.4%	(1)
Other: Not a concern for me; when I do have an hourly case--I bill for time, less 10% for waste/duplicated effort/etc. If I do have a special research project that is used or a special 'product" I charge a flat fee for that Item.	0.4%	(1)
Other: not applicable	0.4%	(1)
Other: not really	0.4%	(1)
Other: reaffirmed my position	0.4%	(1)

22. In your opinion, by what percentage, if any, would the replacement of time-based billing with other forms of billing have upon client bills?







would generally increase bills	 21.9%	(55)
would have virtually no impact	 41.8%	(105)
would decrease bills by less than 5%	 7.6%	(19)
would decrease bills by 5-10%	 10.4%	(26)

would decrease bills by 10-25%	 8.4%	(21)
would decrease bills by more than 25%	 3.2%	(8)
TOTAL	 93.2%	251

23. What impact, if any, do you believe that widespread replacement of time-based billing with other forms of billing would have upon pro bono work and other community service activities by attorneys?










it would tend to decrease community service	 10.4%	(26)
it would have no substantial impact	 64.5%	(162)
it would tend to increase community service	 20.3%	(51)
TOTAL	 95.2%	251

24. To the best of your knowledge, what percentage of the work presently performed by attorneys in the United States could adequately be performed by secretaries or paralegals?






0-1%	 4.8%	(12)
1-5%	 22.7%	(57)
5-10%	 31.1%	(78)
10-25%	 29.1%	(73)
more than 25%	 8.4%	(21)
TOTAL	 96.0%	251





What percentage, if any, of time billed by attorneys in the United States who use time-based billing do you believe is excessive with regard to the following activities? [For purposes of this question, assume that “excessive” is defined as work that is likely to provide, at best, only a marginal benefit to the client.]

25. research










0-1%	 15.9%	(40)
1-2%	 6.0%	(15)
2-5%	 15.9%	(40)
5-10%	 20.3%	(51)
10-15%	 13.1%	(33)
15-25%	 12.4%	(31)
25-50%	 4.8%	(12)
50+%	 3.6%	(9)
TOTAL	 92.0%	251

26. drafting briefs










0-1%	 19.1%	(48)
1-2%	 10.4%	(26)
2-5%	 14.7%	(37)
5-10%	 23.5%	(59)
10-15%	 12.4%	(31)

15-25%	 5.6%	(14)
25-50%	 3.6%	(9)
50+%	 2.0%	(5)
TOTAL	 91.2%	251










27. attending depositions

0-1%	 35.1%	(88)
1-2%	 5.2%	(13)
2-5%	 14.7%	(37)
5-10%	 12.4%	(31)
10-15%	 10.0%	(25)
15-25%	 6.0%	(15)
25-50%	 4.4%	(11)
50+%	 4.0%	(10)
TOTAL	 91.6%	251

28. local travel






0-1%	 42.6%	(107)
1-2%	 6.0%	(15)
2-5%	 16.3%	(41)
5-10%	 13.9%	(35)
10-15%	 4.0%	(10)
15-25%	 2.8%	(7)
25-50%	 2.4%	(6)
50+%	 3.2%	(8)
TOTAL	 91.2%	251

29. non-local travel

0-1%	 35.5%	(89)
1-2%	 6.4%	(16)
2-5%	 13.9%	(35)
5-10%	 12.7%	(32)
10-15%	 9.2%	(23)
15-25%	 6.4%	(16)
25-50%	 3.2%	(8)
50+%	 4.0%	(10)
TOTAL	 91.2%	251









30. drafting corporate documents

0-1%	 19.1%	(48)
1-2%	 7.6%	(19)
2-5%	 14.3%	(36)

5-10%	 19.9%	(50)
10-15%	 13.5%	(34)
15-25%	 5.6%	(14)
25-50%	 3.2%	(8)
50+%	 2.8%	(7)









TOTAL  **86.1%** **251**

31. drafting and responding to discovery requests

0-1%	 19.9%	(50)
1-2%	 7.2%	(18)
2-5%	 12.7%	(32)
5-10%	 19.1%	(48)
10-15%	 14.3%	(36)
15-25%	 9.2%	(23)
25-50%	 5.6%	(14)
50+%	 3.2%	(8)









TOTAL  **91.2%** **251**

32. internal conferences

0-1%	 24.3%	(61)
1-2%	 6.8%	(17)
2-5%	 15.1%	(38)
5-10%	 14.3%	(36)
10-15%	 12.0%	(30)
15-25%	 9.6%	(24)
25-50%	 6.4%	(16)
50+%	 3.6%	(9)



















TOTAL  **92.0%** **251**

33. preparing internal memoranda

0-1%	 22.3%	(56)
1-2%	 9.2%	(23)
2-5%	 13.1%	(33)
5-10%	 17.1%	(43)
10-15%	 10.4%	(26)
15-25%	 10.0%	(25)
25-50%	 3.6%	(9)
50+%	 5.2%	(13)

TOTAL  **90.8%** **251**

34. To what extent do you believe that attorneys may ethically bill clients for “overhead” costs for such services as photocopying, electronic research and secretarial work?

never	 7.2%	(18)
only if there is no “markup” of the fee	 41.8%	(105)
even if there is a “markup” of the fee, if the client is informed that there is a “markup”	 23.1%	(58)
even if there is a “markup” of the fee and the client is not informed that there is a “markup”	 7.6%	(19)
Other: only in special cases (i.e., non-overhead) with no markup	 0.4%	(1)
Other: As agreed by the client	 0.4%	(1)
Other: At no markup or pursuant to agreed schedule of charges	 0.4%	(1)
Other: Billing for these overhead costs may be ethical if disclosed to the client in writing in the representation agreement and the client understands the potential costs for these additional costs and expenses.	 0.4%	(1)
Other: Both internal and external services are to be billed at "cost", but it is not clear what factors may be included in "costs" for internal copying and the like, i.e. something full or only marginal additional costs;	 0.4%	(1)
Other: contractual agreement on payment of expenses as detailed	 0.4%	(1)
Other: Coping and out of pocket charges should be billed to client after client is informed of cost involved.	 0.4%	(1)
Other: cost plus %overhead	 0.4%	(1)
Other: Depends on the client and agreement reached with client	 0.4%	(1)
Other: Dont understand the concept. we have a flat fee for all which includes such things as secretarial time etc.	 0.4%	(1)
Other: Established, systematic charges for these costs, if disclosed in retainer agreement.	 0.4%	(1)
Other: Even if there is a markup, the amount is competitive with the community and the client is informed of the rate.	 0.4%	(1)
Other: Handled as per terms of retainer	 0.4%	(1)
Other: I think pass through of costs incurred for that client file is appropriate. The expense/overhead for secretarial work is probably built into the hourly rate for the	 0.4%	(1)

attorney.

Other: if at actual cost, may bill actual cost, however most attorneys do not include in hourly and charge more than actual cost 0.4% (1)

Other: if client is told basis or amount by time or unit for the costs 0.4% (1)

Other: if excessive 0.4% (1)

Other: If fully disclosed in the retainer agreement and agreed to by the client, it is ethical. Even if it is not, photocopying is ethical, since clients cannot seriously expect to have copies made for nothing, so long as the charges are in line with what an outside vendor would charge and the charges and method of calculating the charges is fully disclosed. Charges for electronic research are also ethical even without a prior agreement if the charges are fully disclosed and involve a simple pass-through of costs with no profit component. Charging for secretarial work does not strike me as ethical unless the work involved is overtime and the nature of the charges is fully disclosed. 0.4% (1)

Other: If the cost approximates the actual cost of providing the overhead. We do not charge for most electronic research of secretarial work, but we do charge for photocopies 0.4% (1)

Other: if there is prior agreement and what is being billed including mark up is disclosed 0.4% (1)

Other: listed as costs 0.4% (1)

Other: May charge for research and copying but not for secretarial work. 0.4% (1)

Other: no markup/client informed 0.4% (1)

Other: not for secretarial work, but for others 0.4% (1)

Other: okay per contract 0.4% (1)

Other: Only for unusual expenditures and then only if there is no "markup" fee 0.4% (1)

Other: only if agreed upon 0.4% (1)

Other: only photocopying with no markup; no other overhead is billable 0.4% (1)

Other: Only to a limited extent 0.4% (1)

Other: only when photocopying costs are or the secretary over-time is significant, and then only if there is no markup fee	0.4%	(1)
Other: Our contract says we can bill for photocopies on the specific matter and legal research costs, but not secretarial. It would not be ethical to so bill without an engagement letter agreed upon by the client.	0.4%	(1)
Other: out of pocket, not secretarial	0.4%	(1)
Other: overtime	0.4%	(1)
Other: Photocopying and electronic research	0.4%	(1)
Other: photocopying and electronic research with no markup, but never secretarial work	0.4%	(1)
Other: photocopying, long distance telephone, postage	0.4%	(1)
Other: secretarial no; direct costs associated with copying and research yes if no "markup"	0.4%	(1)
Other: some costs are pass-through; some costs aren't; some are value-added	0.4%	(1)
Other: standard practice (.10 copy, etc.)	0.4%	(1)
Other: To the extent that the attorney does photocopying, secretarial work, and other clerical functions, I do not believe that those should be billed. However, I believe that the attorney should be able to invoice for the actual expense incurred in photocopying, or online charges. The attorney should be able to invoice for the time spend actually doing the electronic research.	0.4%	(1)
Other: Usually should be encompassed by the hourly rate charged by the attorney or paralegal. Only ethical if (1) substantial effort or quantity and (2) client is informed and agrees in advance to such charges in addition to the hourly rate. In general, the hourly rate is justified somewhat by overhead costs, including secretarial time and subscriptions to research services.	0.4%	(1)
Other: we always charge for these expenses in addition to our hourly billing which we are very honest and up front about these charges are also detailed in our written fee agreement	0.4%	(1)

Other: when client is advised these items will be charged as a set cost for the item	0.4%	(1)
Other: when disclosed to the client	0.4%	(1)
Other: when disclosed to the client or contained in the fee agreement	0.4%	(1)
Other: when such services exceed the norm for a case	0.4%	(1)
Other: written fee agreement	0.4%	(1)
Other: Yes if advised in advance	0.4%	(1)
TOTAL	98.8%	251

35. To the Best of your knowledge, approximately what percentage of work performed by attorneys in the United States who bill on a time basis do you believe is influenced more by the prospect of billing additional hours than serving the needs of the client?

0-1%	13.9%	(35)
2-5%	16.7%	(42)
6-10%	18.3%	(46)
11-15%	11.6%	(29)
16-20%	9.2%	(23)
21-25%	10.4%	(26)
26-35%	3.2%	(8)
36-50%	3.6%	(9)
more than 50%	4.8%	(12)
TOTAL	91.6%	251

36. Is compensation for associates in your law firm connected to the number of hours they bill?

Yes	36.7%	(92)
No	61.0%	(153)
TOTAL	97.6%	251

37. If yes, please explain




- | # | Response |
|---|--|
| 1 | (1) minimum billable hours (officially stated and unofficial expectations); (2) hourly bonus for hours in excess of minimum, with a % of the collection going towards associate's bonus with % increasing for each 100 hours above minimum (12% for 1800-1900; 18% for 1900-2000; 24% for 2000+) |
| 1 | 1600 - minimum |
| 1 | 50/50 split of monies brought in to firm |
| 1 | An associate that sits around and does not perform legitimate work that can be billed to a client should not be compensated to the same degree as one who burns the midnight oil doing necessary, legitimate work |
| 1 | an associate's compensation is based on "performance" and that includes revenue brought into the firm which necessarily includes the number of hours billed by the associate |

- 1 As with any business, salaries have to bear some relationship to revenues
- 1 Associate is paid hourly for work performed.
- 1 Associates are paid an hourly rate for work performed for clients.
- 1 Associates have different salaries depending on whether they choose to bill 1800 or 200 hours. Bonuses are also based on the number of hours billed.
- 1 Associates have fixed salaries, but are expected to meet time billing requirements.
- 1 Associates salaries are set at a base assuming that they will bill a 40 hour work week. End of year bonuses are given based on a % of the overage they generate.
- 1 Base compensation is set, with a bonus based on firm revenues. Associates have a goal of 1800 hours billable for the year. Failure to reach the goal or exceeding the goal does not directly or necessarily influence compensation.
- 1 Billable hours are reviewed during review of associates
- 1 Billable hours are tracked monthly and associate's compensation in the following month is increased based on the increase in billable hours during the preceding month.
- 2 Bonus
 - 1 Bonus and raised based on billable hours in prior year
 - 1 Bonus based on average billings
 - 1 Bonus is based on how much is billed on you files.
 - 1 Bonus tied to annual hours.
 - 1 bonuses and increases in salary take hours into account
 - 1 bonuses are related to income
 - 1 Bonuses are tied to the amount of fees generated and collected.
 - 1 Bonuses paid for high levels of work.
 - 1 Compensation for the associates and partners is based on the amount of money the attorney brings in and so this in turn requires the attorney to bill more in order to make more.
 - 1 Compensation in regard to bonus compensation certainly can be a function of time billed.
 - 1 Compensation is based on collected receivables. Those are largely determined by hourly billings.
 - 1 Compensation is based upon productivity, skill and work quality. We have no billing quotas. We do want people to maximize effective use of their time with legitimate billable work. We do not tolerate "padding".
 - 1 Compensation is tied to the amount of money brought in which is dependent on the amount of hours billed
 - 1 decisions on annual raises use annual hours billed as one relevant factor
 - 1 Get larger bonus if hours over 1800 a year.
 - 1 High billables tends to lead to larger bonuses
 - 1 Hours are used to evaluate associates. Raises and bonuses are based upon hours billed.
 - 1 Hours billed correlate to attorney productivity and influence merit bonuses, but no specific formula
 - 1 I am a sole practitioner who used to work for a mid-size firm. I record hours for billing purposes but do not track billable hours.






- 1 I am expected to bring in a certain amount of money for the firm and have a quota of billable hours that I am to meet.
- 1 I am not very familiar with the firm's procedures for paying associates, but my impression is that they may be paid by the hour.
- 1 I want to keep my job, so I get my hours up.
- 1 If more than a certain number of hours are billed AND paid, then there is a bonus component.
- 1 If you fail to meet the minimum you will not receive a raise and bonuses are based on billables.
- 1 In order to receive a bonus, attorneys must bill a minimum number of hours per quarter.
- 1 In theory, bonus is related to hours billed.
- 1 incentive based pay scale
- 1 Indirectly - compensation is based in part on amounts received for fees, which relates to hourly billings.
- 1 Indirectly because they have bonuses based on collections for their services.
- 1 Indirectly when considering year end bonuses and yearly salary increases.
- 1 Informally reviewed when issuing discretionary bonuses (no objective, mathematical formula involved).
- 1 It is one factor of many to determine compensation.
- 1 It is taken into consideration at the bonus time.
- 1 means of measurement
- 1 Minimum target
- 1 No Associates
- 1 Number of hours billed affects salary review.
- 1 numerous factors considered other than billable hours, e.g., bar work, marketing, administrative, etc.
- 1 Only as it directly relates to money collected as a result of hours billed.
- 1 Only in pro rata analysis of bonus due based upon fees generated once a certain threshold is hit in terms of gross fees received.
- 1 Our associates work part time and are paid per hour and not a salary.
- 1 paid a % of what they bring in
- 1 paid a per cent for production in excess of the pre-established goal for the year
- 1 Percentage of new clients collected fees if brought in by associate
- 1 quarterly bonuses based on hourly receipts
- 1 raises and bonuses are tied to hours billed in excess of minimum annual number of hours.
- 1 Reflected in the annual bonus and raises
- 1 Salaries generally reflect both amount of work (hours) and quality of work
- 1 Salary is tied into producing a profit for the firm through work billed and collected.
- 1 Some attorneys are paid for the hours they bill and others get a bonus based on a certain threshold of hours billed.
- 1 Starting in 2007 I am paid a straight percentage of the fees I bill.
- 1 Taken into account in bonus compensation, but not determinative

- 1 The associates are paid a percentage of the money generated by their hourly billing.
- 1 The firm recently announced that our bonus will be based on hours billed
- 1 The Rule of Thumb is that you are paid one-third of what you bill.
- 1 There is a minimum number of expected hours plus a discretionary bonus for quality of work and exceeding minimum hours
- 1 There is an acceptable range for billable hours but more important is hours worked because not all hours worked can be billed.
- 1 They are expected to meet a minimum standard without padding.
- 1 They are paid a salary with a minimum billing requirement
- 1 They receive a percentage of their fees collected from clients
- 1 This is an "eat what you kill" firm. No salaries are paid, all attorneys are paid when they bill AND collect.
- 1 We do not track hours billed. We do track revenue production. Approximately 70% of revenue is generated other than through hours billed. Timekeeping is used mostly as measure of efficiency.
- 1 We have a minimum 1800 hour requirement and there is a bonus twice a year for reaching this. ALOs, get an increase in their hourly rate if meet 900 hours in a given period. Our attorneys are paid by the hour and are not salary.
- 1 We pay an associate on an hourly basis, including hours on pro bono, contingent and on non-billable matters
- 1 We set a relatively low target for billable hours; an associate falling short of that target would likely receive a smaller raise. We also have an incentive for associates exceeding a certain threshold of dollar revenues attributable to their work.
- 1 year end bonus is based upon hours billed. Salary is not.
- 1 Yearly Bonuses are based on billable and nonbillable hours.
- 1 Yearly increase in salary is partially related to hours billed. Associates also receive bonus based solely on hours billed.

38. Do any of your firm's clients have billing guidelines for attorneys?

Yes		55.0%	(138)
No		43.0%	(108)
TOTAL		98.0%	251

39. If any of your firm's clients have billing guidelines, what impact do they generally have in helping to control legal costs?

a significant amount		8.0%	(20)
some		15.1%	(38)
little or none		32.7%	(82)
they tend to increase legal costs		8.0%	(20)
TOTAL		63.7%	251

40. Please feel free to provide additional comments.

[Narrative responses have been omitted. They are on file with Professor Ross]